

# **EXHIBIT A**

unduly delay or prejudice the original parties. Despite finding the Little Sisters' motion was timely, and proceeding in an expeditious manner in this case, the district court claimed intervention could result in delay in prejudice. Did the District Court abuse its discretion in denying permissive intervention? Dkt. 19-1 at 18-19 (raised); Dkt. 38 at 10-12 (objected to); App. 13 (ruled upon).

### **STATEMENT OF RELATED CASES**

This case has not been before this court previously. The Little Sisters' related appeal of the preliminary injunction, No. 17-3752, has been stayed pending the outcome of the decision here.

Further, all of the actions listed below are related to this action. In particular, the actions all include claims or defenses that overlap with the Commonwealth's claims here, and are either pending or have ongoing permanent injunctions. These cases either challenge the same Interim Final Rules, or seek to protect the rights of claimants similarly situated to the Little Sisters of the Poor, and whose rights would be impaired if the Court orders the federal government to enforce the contraceptive mandate against them. 82 Fed. Reg. 47,792, 47,795-96 (Oct. 13, 2017).

1. *American Civil Liberties Union et al. v. Wright et al.*, No. 4:17-cv-05772 (N.D. Cal.).

2. *American Pulverizer Co. et al. v. United States Department of Health and Human Services et al.*, No. 6:12-cv-03459 (W.D. Mo.).
3. *Annex Medical, Inc. et al. v. Solis et al.*, No. 0:12-cv-02804 (D. Minn.).
4. *Armstrong et al. v. Sebelius et al.*, No. 1:13-cv-00563 (D. Colo.).
5. *Association of Christian, et al. v. Price, et al.*, No. 14-1492 (10th Cir.).
6. *Autocam Corporation et al. v. Sebelius et al.*, No. 1:12-cv-01096 (W.D. Mich.).
7. *Ave Maria School of Law v. Sebelius et al.*, No. 2:13-cv-00795 (M.D. Fla.).
8. *Ave Maria University v. Sebelius et al.*, No. 2:13-cv-00630 (M.D. Fla.).
9. *Barron Industries, Inc. et al. v. Sebelius et al.*, No. 1:13-cv-01330 (D.D.C.).
10. *Bick Holdings Inc. et al. v. United States Department of Health & Human Services et al.*, No. 4:13-cv-00462 (E.D. Mo.).
11. *Bindon et al. v. Sebelius et al.*, No. 1:13-cv-01207 (D.D.C.).
12. *Brandt, Bishop of the Roman Catholic Diocese of Greensburg et al. v. Sebelius et al.*, No. 2:14-cv-00681 (W.D. Pa.).
13. *Briscoe et al. v. Sebelius et al.*, No. 1:13-cv-00285 (D. Colo.).
14. *C.W. Zumbiel Co., et al. v. United States Department of Health and Human Services et al.*, No. 1:13-cv-01611 (D.D.C.).
15. *Campbell v. Trump et al.*, No. 1:17-cv-02455 (D. Colo.).
16. *Catholic Benefits Association LCA et al. v. Sebelius et al.*, No. 5:2014-cv-00240 (W.D. Okla.).

17. *Catholic Charities Archdiocese, et al. v. Secretary United States Depart, et al.*, No. 14-3126 (3rd Cir.).
18. *Catholic Diocese of Beaumont et al. v. Sebelius et al.*, No. 1:13-cv-00709 (E.D. Tex.).
19. *Colorado Christian University v. United States Department of Health and Human Services et al.*, No. 1:13-cv-02105 (D. Colo.).
20. *Commonwealth of Massachusetts v. U.S. Dept. of Health & Human Services et al.*, No. 1:17-cv-11930 (D. Mass.).
21. *Conestoga Wood Specialities Corp. et al. v. Sebelius et al.*, No. 5:12-cv-06744 (E.D. Pa.).
22. *Cyril Korte, et al. v. HHS, et al.*, No. 12-3841 (7th Cir.).
23. *Daniel Medford et al. Kathleen Sebelius et al.*, No. 0:13-cv-01726 (D. Minn.).
24. *Doboszinski & Sons, Inc. et al. v. Sebelius et al.*, No. 0:13-cv-03148 (D. Minn.).
25. *Dobson et al. v. Sebelius et al.*, No. 1:13-cv-03326 (D. Colo.).
26. *Domino's Farms Corporation et al. v. Sebelius et al.*, No. 2:12-cv-15488 (E.D. Mich.).
27. *Dordt College et al. v. Sebelius et al.*, No. 5:13-cv-04100 (N.D. Iowa).
28. *East Texas Baptist University et al. v. Sebelius et al.*, No. 4:12-cv-03009 (S.D. Tex.).
29. *Eden Foods, Inc. et al. v. Sebelius et al.*, No. 2:13-cv-11229 (E.D. Mich.).
30. *Eternal Word Television Network v. U.S. Department of Health and, et al.*, No. 14-12696 (11th Cir.).
31. *Feltl and Company, Inc. et al. v. Sebelius et al.*, No. 0:13-cv-02635 (D. Minn.).

32. *Geneva College v. Sebelius et al.*, No. 2:12-cv-00207 (W.D. Pa.).
33. *Gilardi et al. v. U.S. Department of Health and Human Services*, No. 1:13-cv-00104 (D.D.C.).
34. *Grace Schools et al. v. Sebelius et al.*, No. 3:12-cv-00459 (N.D. Ind.).
35. *Grote Industries, LLC et al. v. Sebelius et al.*, No. 4:12-cv-00134 (S.D. Ind.).
36. *Hall et al. v. Sebelius et al.*, No. 0:13-cv-00295 (D. Minn.).
37. *Hartenbower et al. v. United States Department of Health and Human Services et al.*, No. 1:13-cv-02253 (N.D. Ill.).
38. *Hastings Chrysler Center, Inc. et al. v. Sebelius et al.*, No. 0:14-cv-00265 (D. Minn.).
39. *Hobby Lobby Stores Inc et al. v. Sebelius et al.*, No. 5:12-cv-01000 (W.D. Okla.).
40. *Holland et al. v. United States Department of Health and Human Services et al.*, No. 2:13-cv-15487 (S.D. W. Va.).
41. *Johnson Welded Products, Inc et al. v. Sebelius et al.*, No. 1:13-cv-00609 (D.D.C.).
42. *Lindsay, et al. v. United States Department of Health and Human Services et al.*, No. 1:13-cv-01210 (N.D. Ill.).
43. *Little Sisters of the Poor, et al. v. Hargan, et al.*, No. 13-1540 (10th Cir.).
44. *Louisiana College v. Eric Hargan, et al.*, No. 14-31167 (5th Cir.).
45. *M&N Plastics, Inc. et al. v. Sebelius et al.*, No. 5:13-cv-14754 (E.D. Mich.).
46. *March for Life et al. v. Price et al.*, No. 1:2014-cv-01149 (D.D.C.).

47. *Medical Students for Choice et al. v. Wright et al.*, No. 1:17-cv-02096 (D.D.C.).
48. *Mersino Dewatering Inc., et al. v. Sebelius et al.*, No. 2:13-cv-15079 (E.D. Mich.).
49. *Mersino Management Company et al. v. Sebelius et al.*, No. 2:13-cv-11296 (E.D. Mich.).
50. *Midwest Fastener Corp. et al. v. Sebelius et al.*, No. 1:13-cv-01337 (D.D.C.).
51. *MK Chambers Company et al. v. Department of Health and Human Services et al.*, No. 2:13-cv-11379 (E.D. Mich.).
52. *Newland et al. v. Sebelius et al.*, No. 1:12-cv-01123 (D. Colo.).
53. *O'Brien et al. v. U.S. Department of Health and Human Services et al.*, No. 4:12-cv-00476 (E.D. Mo.).
54. *Priests For Life et al. v. United States Department of Health And Human Services et al.*, No. 1:13-cv-01261 (D.D.C.).
55. *Randy Reed Automotive, Inc. et al. v. Sebelius et al.*, No. 5:13-cv-06117 (W.D. Mo.).
56. *Reaching Souls International Inc. et al. v. Sebelius et al.*, No. 5:13-cv-01092 (W.D. Okla.).
57. *Real Alternatives, Inc. v. Sec'y Dep't of Health & Human Servs.*, 867 F.3d 338 (3d Cir. 2017).
58. *Roman Catholic Archdiocese of New York et al. v. Sebelius et al.*, No. 1:12-cv-02542 (E. D.N.Y.).
59. *Sharpe Holdings, Inc. et al. v. United States Department of Health and Human Services et al.*, No. 2:12-cv-00092 (E. D. Mo.).
60. *Shiraeef et al. v. Hargan et al.*, No. 3:17-cv-00817 (N.D. Ind.).
61. *Sioux Chief MFG. Co, Inc. et al. v. Sebelius et al.*, No. 4:13-cv-00036 (W.D. Mo.).

62. *SMA, LLC et al. v. Sebelius et al.*, No. 0:13-cv-01375 (D. Minn.).
63. *Southern Nazarene University et al. v. Hargan et al.*, No. 5:13-cv-01015 (W.D. Okla.).
64. *State of California v. Hargan et al.*, No. 4:17-cv-05783 (N.D. Cal.).
65. *State of Washington v. Trump et al.*, No. 2:17-cv-01510 (W.D. Wash.).
66. *Stewart et al. v. Sebelius et al.*, No. 1:13-cv-01879 (D.D.C.).
67. *Stinson Electric, Inc. et al. v. Sebelius et al.*, No. 0:14-cv-00830 (D. Minn.).
68. *The Ave Maria Foundation et al. v. Sebelius et al.*, No. 2:13-cv-15198 (E.D. Mich.).
69. *The School of the Ozarks, Inc. v. United States Dept. of Health, et al.*, No. 15-1330 (8th Cir.).
70. *Tonn and Blank Construction LLC v. Sebelius et al.*, No. 1:12-cv-00325 (N.D. Ind.).
71. *Triune Health Group, Inc. et al. v. United States Department of Health & Human Services et al.*, No. 1:12-cv-06756 (N.D. Ill.).
72. *Tyndale House Publishers, Inc. et al. v. Sebelius et al.*, No. 1:12-cv-01635 (D.D.C.).
73. *Weingartz Supply Company et al. v. Sebelius et al.*, No. 2:12-cv-12061 (E.D. Mich.).
74. *Wheaton College v. Burwell et al.*, No. 1:13-cv-08910 (N.D. Ill.).
75. *Wieland et al. v. United States Department of Health and Human Services et al.*, No. 4:13-cv-01577 (E.D. Mo.).
76. *Williams et al. v. Sebelius et al.*, No. 1:13-cv-01699 (D.D.C.).
77. *Willis and Willis PLC et al. v. Sebelius et al.*, No. 1:13-cv-01124 (D.D.C.).

78. *Zubik et al. v. Sebelius et al.*, No. 2:13-cv-01459 (W.D. Pa.).

## STATEMENT OF THE CASE

### A. Proposed Intervenors

The Little Sisters of the Poor Saints Peter and Paul Home in Pittsburgh, Pennsylvania, is a religious nonprofit corporation operated by an order of Catholic nuns whose faith inspires them to spend their lives serving the sick and elderly poor. Dkt. 19-2 ¶¶ 4, 12, 16-17. Each Little Sister takes a vow of obedience to God and of hospitality “to care for the aged as if [he or she] were Christ himself.” *Id.* at ¶¶ 16, 36. The Little Sisters treat each “individual with the dignity they are due as a person loved and created by God,” and they strive to “convey a public witness of respect for life, in the hope that [they] can build a Culture of Life in our society.” *Id.* at ¶ 19. Based on Catholic doctrine, the Little Sisters oppose contraception, sterilization, and abortion, and they believe that it is religiously wrong for them to facilitate the provision of those services to their employees in connection with their health insurance plans. *Id.* at ¶ 37. As described in more detail below, the Little Sisters are involved in litigation